

Judge Hits Justice Aide For False Wiretap Data

Post 3/25/73

MIAMI, March 24 (UPI)—An angry federal judge denounced the U.S. attorney general's assistant Friday for falsifying wiretap authorization papers and threw out the bulk of the government's evidence against six convicted heroin smugglers.

U.S. District Court Judge William Mehrrens made the ruling in the 1970 "Operation Eagle" case in which federal agents used wiretaps to track down and arrest six persons on charges of smuggling a large quantity of heroin into the United States.

Mehrrens said the wiretap order in the case was obtained by authorization papers he said contained "ghost-written and false and misleading memoranda and data."

The judge singled out Sol Lindenbaum, executive assistant to Attorney General Richard Kleindienst, and former Attorney General John Mitchell, in his ruling.

Mehrrens said the original wiretap authorization "gave the unmistakable impression that the Attorney General

(Mitchell) had delegated the authorization decision to (Assistant Attorney General) Will Wilson.

"This memorandum was false, both because Sol Lindenbaum signed John Mitchell's initials and because Sol Lindenbaum himself made the authorization decision," Mehrrens said.

Mitchell and a number of present and former high-ranking Justice Department officials were called here Monday to testify before Mehrrens, who was ordered by the U.S. 5th Court of Appeals to review the wiretap authorization papers in the case.

The six defendants, including Mario Escandar, J. W. Robinson and Marguerite de Acre, were convicted of narcotics smuggling in November, 1970, and sentenced to terms ranging from two to 12 years. They are currently free on appeal bonds. The other defendants were not immediately named.

The case now returns to the U.S. 5th Court of Appeals in New Orleans.